

REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed June 6, 2008. Upon entry of the amendments in this response, claims 1 – 3, 5 – 16, 18 – 21, 23 – 37, 29 – 37, 39 – 52, and 54 – 60 remain pending. In particular, Applicants amend claims 1, 10, 16, 25 – 27, 29, 37, 42, and 57 and cancel claims 4, 17, 22, 28, 38, and 53 without prejudice, waiver, or disclaimer. Applicants cancel claims 4, 17, 22, 28, 38, and 53 merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicants reserve the right to pursue the subject matter of these canceled claims in a continuing application, if Applicants so choose, and do not intend to dedicate the canceled subject matter to the public. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

I. Claim 1 is Allowable Over *Sundar* in view of *Orler*

The Office Action indicates that claim 1 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Publication Number 2003/0134650 ("*Sundar*") in view of U.S. Patent Number 7,076,256 ("*Orler*"). Applicants respectfully traverse this rejection for at least the reason that *Sundar* in view of *Orler* fails to disclose, teach, or suggest all of the elements of claim 1. More specifically, claim 1 recites:

A method for accessing a wireless network, comprising:
detecting at least one wireless network within which a wireless device is located while the wireless device is in a transmit off mode; and
determining whether the at least one wireless network is on a list of requested wireless networks;
determining whether the at least one wireless network is on the list of requested wireless networks; and
in response to a determination that the at least one wireless network is on the list of requested wireless networks, switching the wireless device from the transmit off mode to a transmit on mode.

(Emphasis added).

Applicants respectfully submit that claim 1, as amended, is allowable over the cited art for at least the reason that neither *Sundar* nor *Oler*, taken alone or in combination, discloses, teaches, or suggests a “method for accessing a wireless network, comprising... ***in response to a determination that the at least one wireless network is on the list of requested wireless networks, switching the wireless device from the transmit off mode to a transmit on mode***” as recited in claim 1, as amended. More specifically, the Office Action argues “*Oler* does teach switching a wireless device between a transmit on mode and a transmit off mode... It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt[ed] to include automatically switching the wireless device to a transmit on mode in response to determining the at least one wireless network is on the list of requested wireless networks” (OA page 4, line 1).

Applicants respectfully disagree. More specifically, *Oler* discloses a “handset 104 [that] automatically registers with the cellular telephone network 111 when it is powered on... After registration, the handset 104 then turns off its transmitter, although it continues to monitor the selected control channel 120 for incoming calls” (column 9, line 6 – 27). As illustrated in this passage, *Oler* discloses that a cellular telephone can turn off and then monitor for incoming telephone calls. This however, is different than claim 1, as amended. First, *Oler* fails to disclose any scenario for turning on the cellular telephone, except through user interaction. Second, even if, as the Office Action argues, *Oler* suggests turning on the cellular telephone, this suggestion would be limited to scenarios that occur in response to detection of an incoming telephone call and for the purpose of answering the telephone call. Claim 1, as amended, however, recites that the wireless device is switched from an off mode to an on mode “***in response to a determination that the at least one wireless network is on the list of requested wireless networks.***” Consequently, the combination of *Sundar* and *Oler* fails to even suggest all the elements of claim 1, as amended. For at least these reasons, claim 1, as amended, is allowable.

II. **Claim 16 is Allowable Over Sundar in view of Orler**

The Office Action indicates that claim 16 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Publication Number 2003/0134650 ("*Sundar*") in view of U.S. Patent Number 7,076,256 ("*Orler*"). Applicants respectfully traverse this rejection for at least the reason that *Sundar* in view of *Orler* fails to disclose, teach, or suggest all of the elements of claim 16. More specifically, claim 16 recites:

A method for accessing a wireless network, comprising:
automatically switching a wireless device to a transmit off mode in response to activation of the wireless device;
detecting at least one wireless network within which said wireless device is located while the wireless device is in the transmit off mode;
determining whether the at least one wireless network is on a list of requested wireless networks; and
in response to a determination that the at least one wireless network is on the list of requested wireless networks, switching the wireless device from the transmit off mode to a transmit on mode.

(Emphasis added).

Applicants respectfully submit that claim 16, as amended, is allowable over the cited art for at least the reason that neither *Sundar* nor *Orler*, taken alone or in combination, discloses, teaches, or suggests a "method for accessing a wireless network, comprising... ***in response to a determination that the at least one wireless network is on the list of requested wireless networks, switching the wireless device from the transmit off mode to a transmit on mode***" as recited in claim 16, as amended. More specifically, the Office Action argues "*Orler* does teach switching a wireless device between a transmit on mode and a transmit off mode... It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt[ed] to include automatically switching the wireless device to a transmit on mode in response to determining the at least one wireless network is on the list of requested wireless networks" (OA page 4, line 1).

Applicants respectfully disagree. More specifically, *Orler* discloses a “handset 104 [that] automatically registers with the cellular telephone network 111 when it is powered on... After registration, the handset 104 then turns off its transmitter, although it continues to monitor the selected control channel 120 for incoming calls” (column 9, line 6 – 27). As illustrated in this passage, *Orler* discloses that a cellular telephone can turn off and then monitor for incoming telephone calls. This however, is different than claim 16, as amended. First, *Orler* fails to disclose any scenario for turning on the cellular telephone, except through user interaction. Second, even if, as the Office Action argues, *Orler* suggests turning on the cellular telephone, this suggestion would be limited to scenarios that occur in response to detection of an incoming telephone call and for the purpose of answering the telephone call. Claim 16, as amended, however, recites that the wireless device is switched from an off mode to an on mode “***in response to a determination that the at least one wireless network is on the list of requested wireless networks.***” Consequently, the combination of *Sundar* and *Orler* fails to even suggest all the elements of claim 16, as amended. For at least these reasons, claim 16, as amended, is allowable.

III. **Claim 26 is Allowable Over Sundar in view of Orler**

The Office Action indicates that claim 26 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Publication Number 2003/0134650 (“*Sundar*”) in view of U.S. Patent Number 7,076,256 (“*Orler*”). Applicants respectfully traverse this rejection for at least the reason that *Sundar* in view of *Orler* fails to disclose, teach, or suggest all of the elements of claim 26. More specifically, claim 26 recites:

A system for accessing a wireless network, comprising:
a wireless device; and
application logic operatively associated with the wireless
device and adapted to:

switch the wireless device to a transmit off mode;
detect at least one wireless network within which
the wireless device is located while in the transmit off mode;
determine whether the at least one wireless
network is on a predetermined list of requested wireless networks;
and

***in response to a determination that the at least
one wireless network is on the list of requested wireless
networks, switching the wireless device from the transmit off
mode to a transmit on mode.***

(Emphasis added).

Applicants respectfully submit that claim 26, as amended, is allowable over the cited art for at least the reason that neither *Sundar* nor *Orler*, taken alone or in combination, discloses, teaches, or suggests a “system for accessing a wireless network, comprising... application logic operatively associated with the wireless device and adapted to... ***in response to a determination that the at least one wireless network is on the list of requested wireless networks, switching the wireless device from the transmit off mode to a transmit on mode***” as recited in claim 26, as amended. More specifically, the Office Action argues “*Orler* does teach switching a wireless device between a transmit on mode and a transmit off mode... It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt[ed] to include automatically switching the wireless device to a transmit on mode in response to determining the at least one wireless network is on the list of requested wireless networks” (OA page 4, line 1).

Applicants respectfully disagree. More specifically, *Orler* discloses a “handset 104 [that] automatically registers with the cellular telephone network 111 when it is powered on... After registration, the handset 104 then turns off its transmitter, although it continues to monitor the selected control channel 120 for incoming calls” (column 9, line 6 – 27). As illustrated in this passage, *Orler* discloses that a cellular telephone can turn off and then monitor for incoming telephone calls. This however, is different than claim 26, as amended. First, *Orler* fails to

disclose any scenario for turning on the cellular telephone, except through user interaction. Second, even if, as the Office Action argues, *Orler* suggests turning on the cellular telephone, this suggestion would be limited to scenarios that occur in response to detection of an incoming telephone call and for the purpose of answering the telephone call. Claim 26, as amended, however, recites that the wireless device is switched from an off mode to an on mode “***in response to a determination that the at least one wireless network is on the list of requested wireless networks.***” Consequently, the combination of *Sundar* and *Orler* fails to even suggest all the elements of claim 26, as amended. For at least these reasons, claim 26, as amended, is allowable.

IV. **Claim 37 is Allowable Over Sundar in view of Orler**

The Office Action indicates that claim 37 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Publication Number 2003/0134650 (“*Sundar*”) in view of U.S. Patent Number 7,076,256 (“*Orler*”). Applicants respectfully traverse this rejection for at least the reason that *Sundar* in view of *Orler* fails to disclose, teach, or suggest all of the elements of claim 37. More specifically, claim 37 recites:

A system for accessing a wireless network, comprising:
means for switching a wireless device to a transmit off mode;
means for detecting at least one wireless network within which the wireless device is located while in the transmit off mode;
means for determining whether the at least one wireless network is on a predetermined list of requested wireless networks;
and

means for, in response to a determination that the at least one wireless network is on the list of requested wireless networks, switching the wireless device from the transmit off mode to a transmit on mode.

(Emphasis added).

Applicants respectfully submit that claim 37, as amended, is allowable over the cited art for at least the reason that neither *Sundar* nor *Orler*, taken alone or in combination, discloses, teaches, or suggests a “system for accessing a wireless network, comprising... ***means for, in***

response to a determination that the at least one wireless network is on the list of requested wireless networks, switching the wireless device from the transmit off mode to a transmit on mode" as recited in claim 37, as amended. More specifically, the Office Action argues "Orler does teach switching a wireless device between a transmit on mode and a transmit off mode... It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt[ed] to include automatically switching the wireless device to a transmit on mode in response to determining the at least one wireless network is on the list of requested wireless networks" (OA page 4, line 1).

Applicants respectfully disagree. More specifically, *Orler* discloses a "handset 104 [that] automatically registers with the cellular telephone network 111 when it is powered on... After registration, the handset 104 then turns off its transmitter, although it continues to monitor the selected control channel 120 for incoming calls" (column 9, line 6 – 27). As illustrated in this passage, *Orler* discloses that a cellular telephone can turn off and then monitor for incoming telephone calls. This however, is different than claim 37, as amended. First, *Orler* fails to disclose any scenario for turning on the cellular telephone, except through user interaction. Second, even if, as the Office Action argues, *Orler* suggests turning on the cellular telephone, this suggestion would be limited to scenarios that occur in response to detection of an incoming telephone call and for the purpose of answering the telephone call. Claim 37, as amended, however, recites that the wireless device is switched from an off mode to an on mode "***in response to a determination that the at least one wireless network is on the list of requested wireless networks.***" Consequently, the combination of *Sundar* and *Orler* fails to even suggest all the elements of claim 37, as amended. For at least these reasons, claim 37, as amended, is allowable.

V. **Claim 42 is Allowable Over Sundar in view of Orler**

The Office Action indicates that claim 42 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Publication Number 2003/0134650 ("*Sundar*") in view of U.S. Patent Number 7,076,256 ("*Orler*"). Applicants respectfully traverse this rejection for at least the reason that *Sundar* in view of *Orler* fails to disclose, teach, or suggest all of the elements of claim 42. More specifically, claim 42 recites:

A system for accessing a wireless network, comprising:
a wireless device; and
application logic operatively associated with the wireless device, the application logic adapted to selectively switch the wireless device between a transmit on mode and a transmit off mode based on an identification of at least one wireless network, the application further configured to determine whether the at least one wireless network is on a list of requested wireless networks, ***the application logic further configured to, in response to a determination that the at least one wireless network is on the list of requested wireless networks, switch the wireless device from the transmit off mode to the transmit on mode.***
(*Emphasis added*).

Applicants respectfully submit that claim 42, as amended, is allowable over the cited art for at least the reason that neither *Sundar* nor *Orler*, taken alone or in combination, discloses, teaches, or suggests a "system for accessing a wireless network, comprising... ***application logic further configured to, in response to a determination that the at least one wireless network is on the list of requested wireless networks, switch the wireless device from the transmit off mode to the transmit on mode***" as recited in claim 42, as amended. More specifically, the Office Action argues "*Orler* does teach switching a wireless device between a transmit on mode and a transmit off mode... It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt[ed] to include automatically switching the wireless device to a transmit on mode in response to determining the at least one wireless network is on the list of requested wireless networks" (OA page 4, line 1).

Applicants respectfully disagree. More specifically, *Orler* discloses a "handset 104 [that] automatically registers with the cellular telephone network 111 when it is powered on... After

registration, the handset 104 then turns off its transmitter, although it continues to monitor the selected control channel 120 for incoming calls" (column 9, line 6 – 27). As illustrated in this passage, *Orler* discloses that a cellular telephone can turn off and then monitor for incoming telephone calls. This however, is different than claim 42, as amended. First, *Orler* fails to disclose any scenario for turning on the cellular telephone, except through user interaction. Second, even if, as the Office Action argues, *Orler* suggests turning on the cellular telephone, this suggestion would be limited to scenarios that occur in response to detection of an incoming telephone call and for the purpose of answering the telephone call. Claim 42, as amended, however, recites that the wireless device is switched from an off mode to an on mode "***in response to a determination that the at least one wireless network is on the list of requested wireless networks.***" Consequently, the combination of *Sundar* and *Orler* fails to even suggest all the elements of claim 42, as amended. For at least these reasons, claim 42, as amended, is allowable.

VI. **Claim 52 is Allowable Over Sundar in view of Orler**

The Office Action indicates that claim 52 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Publication Number 2003/0134650 ("*Sundar*") in view of U.S. Patent Number 7,076,256 ("*Orler*"). Applicants respectfully traverse this rejection for at least the reason that *Sundar* in view of *Orler* fails to disclose, teach, or suggest all of the elements of claim 52. More specifically, claim 52 recites:

A method for accessing a wireless network, comprising:
automatically detecting at least one wireless network within
which a wireless device is located while the wireless device is on
and in a transmit off mode;
determining whether the at least one wireless network is
on the list of requested wireless networks; and
***in response to a determination that the at least one
wireless network is on the list of requested wireless
networks, switching the wireless device from the transmit off
mode to a transmit on mode.***

(Emphasis added).

Applicants respectfully submit that claim 52, as amended, is allowable over the cited art for at least the reason that neither *Sundar* nor *Orler*, taken alone or in combination, discloses, teaches, or suggests a “method for accessing a wireless network, comprising... ***in response to a determination that the at least one wireless network is on the list of requested wireless networks, switching the wireless device from the transmit off mode to a transmit on mode***” as recited in claim 52, as amended. More specifically, the Office Action argues “*Orler* does teach switching a wireless device between a transmit on mode and a transmit off mode... It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt[ed] to include automatically switching the wireless device to a transmit on mode in response to determining the at least one wireless network is on the list of requested wireless networks” (OA page 4, line 1).

Applicants respectfully disagree. More specifically, *Orler* discloses a “handset 104 [that] automatically registers with the cellular telephone network 111 when it is powered on... After registration, the handset 104 then turns off its transmitter, although it continues to monitor the selected control channel 120 for incoming calls” (column 9, line 6 – 27). As illustrated in this passage, *Orler* discloses that a cellular telephone can turn off and then monitor for incoming telephone calls. This however, is different than claim 52, as amended. First, *Orler* fails to disclose any scenario for turning on the cellular telephone, except through user interaction. Second, even if, as the Office Action argues, *Orler* suggests turning on the cellular telephone, this suggestion would be limited to scenarios that occur in response to detection of an incoming telephone call and for the purpose of answering the telephone call. Claim 52, as amended, however, recites that the wireless device is switched from an off mode to an on mode “***in response to a determination that the at least one wireless network is on the list of requested wireless networks.***” Consequently, the combination of *Sundar* and *Orler* fails to even suggest all the elements of claim 52, as amended. For at least these reasons, claim 52, as amended, is allowable.

VII. **Claim 57 is Allowable Over Sundar in view of Orler**

The Office Action indicates that claim 57 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Publication Number 2003/0134650 ("*Sundar*") in view of U.S. Patent Number 7,076,256 ("*Orler*"). Applicants respectfully traverse this rejection for at least the reason that *Sundar* in view of *Orler* fails to disclose, teach, or suggest all of the elements of claim 57. More specifically, claim 57 recites:

A system for accessing a wireless network, comprising:
a wireless device; and
application logic operatively associated with the wireless device and adapted to automatically detect at least one wireless network within which the wireless device is located while the wireless device is on and in a transmit off mode, the application logic further configured to determine whether the at least one wireless network is on the list of requested wireless networks, ***the application logic further configured to, in response to a determination that the at least one wireless network is on the list of requested wireless networks, switch the wireless device from the transmit off mode to a transmit on mode.***

(Emphasis added).

Applicants respectfully submit that claim 57, as amended, is allowable over the cited art for at least the reason that neither *Sundar* nor *Orler*, taken alone or in combination, discloses, teaches, or suggests a "system for accessing a wireless network, comprising... ***application logic further configured to, in response to a determination that the at least one wireless network is on the list of requested wireless networks, switch the wireless device from the transmit off mode to a transmit on mode***" as recited in claim 57, as amended. More specifically, the Office Action argues "Orler does teach switching a wireless device between a transmit on mode and a transmit off mode... It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt[ed] to include automatically switching the wireless device to a transmit on mode in response to determining the at least one wireless network is on the list of requested wireless networks" (OA page 4, line 1).

Applicants respectfully disagree. More specifically, *Orler* discloses a “handset 104 [that] automatically registers with the cellular telephone network 111 when it is powered on... After registration, the handset 104 then turns off its transmitter, although it continues to monitor the selected control channel 120 for incoming calls” (column 9, line 6 – 27). As illustrated in this passage, *Orler* discloses that a cellular telephone can turn off and then monitor for incoming telephone calls. This however, is different than claim 57, as amended. First, *Orler* fails to disclose any scenario for turning on the cellular telephone, except through user interaction. Second, even if, as the Office Action argues, *Orler* suggests turning on the cellular telephone, this suggestion would be limited to scenarios that occur in response to detection of an incoming telephone call and for the purpose of answering the telephone call. Claim 57, as amended, however, recites that the wireless device is switched from an off mode to an on mode “***in response to a determination that the at least one wireless network is on the list of requested wireless networks.***” Consequently, the combination of *Sundar* and *Orler* fails to even suggest all the elements of claim 57, as amended. For at least these reasons, claim 57, as amended, is allowable.

VIII. Claims 2 – 3, 5 – 10, 15, 19 – 21, 23, 25, 27, 29 – 33, 36, 39 – 40, 43 – 44, 46 – 48, 50 – 51, 54 – 55, and 58 – 60 are Allowable Over *Sundar* in view of *Orler*

The Office Action indicates that claims 2 – 3, 5 – 10, 15, 19 – 21, 23, 25, 27, 29 – 33, 36, 39 – 40, 43 – 44, 46 – 48, 50 – 51, 54 – 55, and 58 – 60 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Publication Number 2003/0134650 ("*Sundar*") in view of U.S. Patent Number 7,076,256 ("*Orler*"). Applicants respectfully traverse this rejection for at least the reason that *Sundar* in view of *Orler* fails to disclose, teach, or suggest all of the elements of claim 2 – 3, 5 – 10, 15, 19 – 21, 23, 25, 27, 29 – 33, 36, 39 – 40, 43 – 44, 46 – 48, 50 – 51, 54 – 55, and 58 – 60. More specifically, dependent claims 2 – 3, 5 – 10, and 15 are believed to be allowable for at least the reason that these claims depend from and include the elements of allowable independent claim 1. Dependent claims 19 – 21, 23, and 25 are believed to be allowable for at least the reason that they depend from and include the elements of allowable independent claim 16. Dependent claims 27, 29 – 33, and 36 are believed to be allowable for at least the reason that they depend from and include the elements of allowable independent claim 26. Dependent claims 39 – 40 are believed to be allowable for at least the reason that they depend from and include the elements of allowable independent claim 37. Dependent claims 43 – 44, 46 – 48, and 50 – 51 are believed to be allowable for at least the reason that they depend from and include the elements of allowable independent claim 42. Dependent claims 54 – 55 are believed to be allowable for at least the reason that they depend from and include the elements of allowable independent claim 52. Dependent claims 58 – 60 are believed to be allowable for at least the reason that they depend from and include the elements of allowable independent claim 57. *In re Fine, Minnesota Mining and Mfg. Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

IX. Claims 12 – 14, 18, 24, 34 – 35, 41, 49, and 56 are Allowable Over Sundar in view of Orler and Whelan

The Office Action indicates that claims 12 – 14, 18, 24, 34 – 35, 41, 49, and 56 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Publication Number 2003/0134650 ("*Sundar*") in view of U.S. Patent Number 7,076,256 ("*Orler*") and U.S. Patent Publication Number 2004/0003285 ("*Whelan*"). Applicants respectfully traverse this rejection for at least the reason that *Sundar* in view of *Orler* and *Whelan* fails to disclose, teach, or suggest all of the elements of claim 12 – 14, 18, 24, 34 – 35, 41, 49, and 56. More specifically, dependent claims 12 – 14 are believed to be allowable for at least the reason that these claims depend from and include the elements of allowable independent claim 1. Dependent claims 18 and 24 are believed to be allowable for at least the reason that they depend from and include the elements of allowable independent claim 16. Dependent claims 34 – 35 are believed to be allowable for at least the reason that they depend from and include the elements of allowable independent claim 26. Dependent claim 41 is believed to be allowable for at least the reason that this claim depends from and include the elements of allowable independent claim 37. Dependent claim 49 is believed to be allowable for at least the reason that this claim depends from and include the elements of allowable independent claim 42. Dependent claim 56 is believed to be allowable for at least the reason that this claim depends from and include the elements of allowable independent claim 52. *In re Fine, Minnesota Mining and Mfg.Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested.

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and Official Notice, or statements interpreted similarly, should not be considered well-known for the particular and specific reasons that the claimed combinations are too complex to support such conclusions and because the Office Action does not include specific findings predicated on sound technical and scientific reasoning to support such conclusions.

If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

/afb/

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